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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/696,531	10/28/2003	Kenneth P. Glynn	IVC-104A, Case 13	6453
7590 10/14/2005 KENNETH P. GLYNN, ESQ 24 Mine Street Flemington, NJ 08822-1598			EXAMINER TRAN, KHOI H	
			ART UNIT 3651	PAPER NUMBER

DATE MAILED: 10/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/696,531

Applicant(s)

GLYNN, KENNETH P.

Examiner

Khoi H Tran

Art Unit

3651

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 27 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) 11-18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 10/03.

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

  
KHOI H. TRAN  
PRIMARY EXAMINER

**DETAILED ACTION**

***Election/Restrictions***

1. Applicant's election without traverse of Group I, claims 1-10, in the reply filed on 08/27/2005 is acknowledged.

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 3, 6, 7, and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Homma et al. 5,383,111 (refers to as Homma '111).

Homma '111 discloses a system for creating data for directories for item locations per claimed invention. The system comprises a processor and a barcode reader. The system comprises providing unique barcode to each item. The system comprises providing barcode to respective fixture and location (i.e. shelf, rack) to which the item is located. The system comprises reading item barcodes and corresponding location barcodes by the barcode reader. The system comprises storing the read data and creates item location directory based on the stored data by the processor (Figures 3-6).

In regards to claims 7 and 10, Homma '111 system comprises visual display means for viewing visual directory (at least Figures 5, 6, and 9, and column 6, lines 35-38).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2, 4, 5, 8, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Homma et al. 5,383,111 (refers to as Homma '111) in view of Gupta et al. 5,493,107 (refers to as Gupta '107).

In regards to claims 2, Homma '111 system discloses a price code for the unique barcoded items. However, it is silent as to the specifics of the barcode being a "universal" code. Nevertheless, It would have been obvious for a person with ordinary skill in the art, at the time the invention was made, to have provided a universal barcode to Homma '111 barcode in order for the code to conform to industry standards. Such industry standards are shown in Gupta '107 (column 1, lines 31-60).

In regards to claims 4 and 5, Homma '111 discloses all elements per claimed invention as explained in paragraph 2 above. However, it is silent as to the specifics of providing row, aisle, drawer, or shelf data. Nevertheless, it is obvious that the data representing each box, shelf, and/or rack location within an entire store lay out of Homma '111 would represent row, aisle, drawer, and/or shelf data.

In regards to claims 8 and 9, Homma '111 discloses all elements per claimed invention as explained in paragraph 2 above. However, it is silent as to the specifics of the location identifying barcodes being universal price code barcodes.

Gupta '107 demonstrates that shelf/location barcode could be provided with price code information. Gupta '107 also teaches that shelf/location/price code barcode is commonly well known.

It would have been obvious for a person with ordinary skill in the art, at the time the invention was made, to have provided to Homma '111 location identifying barcodes with price code information because it facilitates a commonly well known price code for shelf/location barcodes, as demonstrated by Gupta '107.

### ***Conclusion***

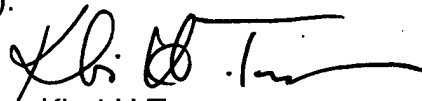
5. Additional references made of record and not relied upon are considered to be of interest to applicant's disclosure: see attached USPTO Form 892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khoi H. Tran whose telephone number is (571) 272-6919. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Crawford can be reached on (571) 272-6911. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3651

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Khoi H Tran  
Primary Examiner  
Art Unit 3651

KHT  
10/12/2005